



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

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Division Director

Outgoing
C/O 15/0015
OK

UTAH DIVISION OF OIL, GAS AND MINING
FACSIMILE COVER SHEET

DATE: October 5, 2006

FAX#: 539-4200

ATTN: Stan Perkes

COMPANY: BLM

NUMBER OF PAGES (INCLUDING THIS ONE): 8

FROM: A. Nance

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801-359-3940	303-844-1538

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GENERAL SERVICES ADMINISTRATION

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OCT 03 2006

DIV. OF OIL, GAS & MINING



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

WASHINGTON, D.C. 20240

OCT 21 1985

Memorandum

To: Assistant Secretary for Land and Minerals Management

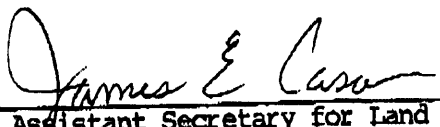
From: ^{Acting} Director, Office of Surface MiningSubject: Recommendation for Approval of the Emery Deep Mine Mining Plan,
Consolidation Coal Company, Emery County, Utah, Federal Lease
U-5287

I recommend your approval of the Emery Deep Mine mining plan pursuant to the Mineral Leasing Act of 1920 (MLA), as amended. The Office of Surface Mining (OSM) has reviewed the permit application package (PAP), and the Administrator of the Western Technical Center has informed me that he is prepared to issue a permit under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) for the Emery Deep Mine subsequent to your approval of the mining plan. My recommendation to approve the Consolidation Coal Company's mining plan is based on: (1) the applicant's complete PAP, (2) OSM's proposed permit conditions, (3) public participation, (4) review of the PAP by OSM, (5) compliance with the National Environmental Policy Act, (6) documentation assuring compliance with applicable requirements of SMCRA and other Federal laws, regulations, and executive orders, and (7) comments and recommendations or concurrences of other Federal agencies including the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the lease and the MLA.

The Secretary may approve a mining plan for Federal lands under 30 U.S.C. 207(c) and 1273(c). I find that the proposed operations will be in compliance with all applicable laws and regulations, and I recommend the Emery Deep Mine mining plan updated through August 23, 1984, be approved.

Approval:

I approve this mining plan:


Deputy Assistant Secretary for Land and Minerals
Management

10/22/85
Date

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OCT 03 2006

DIV. OF OIL, GAS & MINING



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

BROOKS TOWERS

1020 15TH STREET

DENVER, COLORADO 80202

SEP 17 1985

MEMORANDUM

TO: Director, Office of Surface Mining

FROM: Allen D. Klein, Administrator, Western Technical Center

SUBJECT: Recommendation for Approval of Consolidation Coal Company's Emery Deep Mine Mining Plan and Permit, Emery County, Utah, Federal Lease: U-5287

I. Recommendation

I am prepared to approve with conditions Consolidation Coal Company's Emery Deep Mine permit for an underground mining operation. This is a permit application for an existing mine under the approved Utah regulatory program. The mining plan and permit were approved under the State interim program. No mining has occurred previously on Federal lands. My recommendation is based on the technical analysis, the supplement to the technical analysis, and the environmental assessment of the complete application. The applicant has proposed to begin underground mining on Federal coal lease U-5287, during the 5-year permit, and later to develop additional fee coal during the 25 year life-of-mine. The permit, with conditions included with this memorandum, will be in conformance with the applicable Federal regulations, the Utah State Program, and the Mineral Leasing Act, as amended. I also recommend that you advise the Assistant Secretary for Land and Minerals Management, under 30 CFR 746, that the Consolidation Coal Company's Emery Deep Mine mining plan is ready for approval. I concur that a bond in the amount of \$828,000 is adequate. A surety bond for \$2,592,992.00 has been posted for the proposed preparation plant and loadout facility area. This bond is adequate and is on file with the Utah Division of Oil, Gas and Mining. Both bonds are necessary in order to maintain the Federal permit.

OSM has prepared a supplemental technical analysis (TA) to correct the deficiencies in the State's TA so that the Secretary and OSM can make a decision on the Emery Deep Mine permit application and mining plan. Included are cross references, where appropriate, to UDOGM's TA which is included in the decision package.

My recommendation for approval is based on the complete mining plan and permit application package, updated to August 23, 1984. I have determined that this action will not have a significant impact on the human environment.

RECEIVED

OCT 03 2006

DIV. OF OIL, GAS & MINING

II. Background

The Emery Deep Mine is located in Emery County, central Utah, approximately 4 miles south of the town of Emery. Coal mining has occurred in this area since the turn of the century. The permit area contains 5,180 surface acres, of which 80 and 5,100 acres are Federal and private surface, respectively. All of these acres are either leased or owned by the applicant. This mine operation will not significantly affect any environmentally sensitive areas. The coal mining operations will utilize room and pillar mining methods. The I-J coal seam will be mined to yield a maximum production rate of 1.7 million tons per year. The proposed coal mining operations are scheduled to cease around the year 2010.

The I-J coal seam mined at the Emery Deep Mine is situated in the Ferron Sandstone member of the Mancos Formation. The Ferron Sandstone is a major regional aquifer system, and the I-J coal seam forms a confining boundary between the two artesian units of this aquifer system (upper Ferron and lower Ferron aquifers). The municipal well for the town of Emery, Utah is located about 2.5 miles north of the mine permit boundary and draws water from the lower Ferron aquifer.

Mining will cause part of the aquifer surrounding the mine to drain through the mine workings. Consolidation Coal Company submitted ground-water drawdown prediction maps for life-of-mine effects on August 23, 1984, in response to concerns identified by OSM's Western Technical Center. The computer model which the applicant used to predict the amount of drawdown associated with the mining showed a cone of depression in the water table that was much steeper than would be expected in a confined aquifer situation. After reviewing the input and results with Consolidation Coal Company personnel, OSM's Western Technical Center used the Western Technical Center's in-house ground-water modeling program to develop a series of drawdown prediction maps to compare with the applicant's results.

OSM's results were dramatically different from those of the applicant and showed a more widespread drawdown effect on the aquifer as a result of mining. However, although the effects predicted by OSM are more widespread than those predicted by the applicant, they were not of sufficient magnitude to be considered significant. The predicted net effect to the Emery town well was a piezometric drawdown of approximately 130 feet, which translates to 11 percent of current levels in the well. A piezometric reduction is not considered significant until it reaches a minimum of 25 percent of the current level. The greatest impact of the predicted decrease would be that the well will require marginally more electricity to pump water from a lower level in the well.

During the technical review, after the permit application package was determined to be administratively complete, both OSM and UDOGM found several technical inadequacies in the permit application package, primarily with regard to ground water, subsidence control, alluvial valley floors (AVF's), and prime farmland. UDOGM submitted a deficiency letter on December 30, 1983, and a draft TA with stipulations on February 2, 1984. Each of these documents outlined the technical deficiencies remaining in the permit application package. Several correspondence exchanges took place between the applicant, UDOGM, and OSM concerning the remaining deficiencies before the State issued a "final" TA. The primary deficiencies listed above were resolved through commitment responses by the applicant. Some of the commitments were achieved with great reluctance by the applicant. Specifically, the applicant did not agree with the regulatory authority's assessment of alluvial valley floors, but agreed to establish the required buffer zones in order to expedite the permitting process.

One written objection to the permit was received from Mr. Duane A. Frandsen of Price, Utah, on January 9, 1984. Mr. Frandsen disputed some of the coal ownership as specified in the permit application package. By letter to UDOGM of January 19, 1984, Mr. Frandsen requested an informal conference. The Attorney General's office for the State of Utah, by letter of February 22, 1984, denied that this issue of coal ownership should affect the permitting process and referred the matter to Civil Court. No further correspondence was received on the matter.

A public scoping meeting was held on July 17, 1984, to solicit public response on the issues of mining in the vicinity of the Emery town well and the overall effects of the mine on the Ferron aquifer and subsidence in the vicinity of the mine. Ten individuals attended the meeting. One participant, County Commission Chairman Rue P. Ware submitted a formal statement to the effect that he wished to be kept informed of when the mine would recommence operation. At that time the mine had temporarily ceased operations due to market conditions, and resumed production on February 4, 1985. After the meeting, OSM received a written statement dated July 17, 1984, from the District Manager of the Castle Valley Special Service District, who requested that additional study be undertaken to determine the effect of mining on the Emery town's wells. No other comments or statements were received.

Runoff from approximately 4.7 acres of the surface facilities area flows into a bermed catchment basin used for coal stockpiling rather than to the facilities sediment pond as originally intended. Rather than undertaking a major regrading effort in the facilities area to divert the runoff to the sediment pond, the applicant currently pumps the water from the catchment basin to the sediment pond as necessary. The issue is discussed in the Hydrology section of the supplement to the TA, and, if implemented as described, will meet the applicable performance standards. No condition was deemed necessary.

On page ten of the State's TA the statement is made that there have been no plans for handling of sediment cleaned from the mine discharge sediment pond at the Emery Deep Mine. In fact, the applicant has discussed removal and backfilling of sediment from the mine discharge pond as well as all other sediment ponds on page 42 of the October 7, 1983, response to the apparent completeness review in Volume 13 of the permit application package, on page 13-25 of Volume 8, and on page 3-56 of Volume 1. The issue is clarified in OSM's supplement to the TA.

During OSM's preparation of the addendum to the TA, it became apparent that clearance had not been obtained from the U. S. Soil Conservation Service for the applicant's prime farmland mitigation plans. Although the proposed mitigation measures appear adequate to OSM, UMC 785.17(c) requires that UDOGM consult with the Secretary of Agriculture through the U. S. Soil Conservation Service regarding the proposed methods of soil reconstruction. OSM has added a special condition to the permit which precludes the applicant from mining under prime farmland until the concurrence required by UMC 785.17(c) is obtained. UDOGM has now begun taking the steps necessary to obtain this concurrence.

UDOGM's TA of February 25, 1985, includes the State Findings (Appendix D of the TA). Finding number 8 concerning "pattern of willful violations" states that no pattern was found for the Emery Deep Mine and references a determination by UDOGM's Field Supervisor on February 21, 1985. OSM contacted UDOGM's Field Supervisor in April 1985, to update the finding for permitting in May. On May 3, 1985, UDOGM's Field Supervisor responded to the request and advised OSM's Project Leader that a preliminary pattern of violations had been determined by mathematical means (three or more violations in a twelve month period) for 1981, in apparent contradiction of UDOGM's findings on February 25, 1985. He emphasized that the determination was preliminary and added that several other steps are involved in a final determination including interviews with the inspector and the operator, review by the State Attorney General, and preparation of a final outcome document. He also added that a statute of limitations might apply. Later conversation with UDOGM's Associate Director (May 7, 1985), confirmed that the State would not pursue the issue beyond the mathematical test, based on a 1-year statute of limitations from the most recent violation in that petition. No indications of a pattern since 1981 have been identified.

The Emery Deep Mine permit application was reviewed by the UDOGM and OSM under the provisions of the approved Utah State Program, and the Federal Lands Program (30 CFR Chapter VII, Subchapter D). The Mineral Leasing Act portion of the plan was also reviewed for compliance with the applicable portion of 43 CFR 3480. The technical analysis for this mine application was prepared by UDOGM with a supplemental TA document prepared by OSM. The environmental assessment was prepared by OSM. These documents, other documents prepared by UDOGM, the company's application, and other correspondence developed during the completeness and technical reviews are part of OSM's mining plan and permit application file.

A chronology of events related to this mining plan application is enclosed. After the Consolidation Coal Company published the newspaper notice as required, no written comments, objections, or requests for an informal conference were received, other than that of Mr. Frandsen mentioned previously. Written concurrence was provided by the Bureau of Land Management, Branch of Solid Minerals, and Moab District Office; and letters from U.S. Fish and Wildlife Service; and the State Historic Preservation Officer.

The information in the permit application and mining plan, as well as other information documented in the recommendation package and made available to the applicant, has been reviewed by UDOGM staff in coordination with the OSM Project Leader. Other information included: the U.S. Geological Survey, 1979, Final Environmental Impact Statement (FEIS) titled Development of Coal Resources in Central Utah; and the Bureau of Land Management, 1981, FEIS titled Uinta-Southwestern Utah Regional Coal Environmental Impact Statement.

TRANSACTION REPORT

P. 01

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